

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. Support for amended claim 1 can be found in the specification at page 3, lines 29-31. The applicant corrected an obvious typographical error with respect to component b (amount of (b) should be 0 – 95% and not 0 – 5%) (see page 4, lines 9-11 of the specification). Support for newly amended claim 4, can be found in the specification at page 5, lines 35-37. Support for newly added claim 13 can be found in the specification at page 3, lines 34-35. Support for newly added claim 14 can be found in the original claim 1 and in the specification at page 4, lines 17-30. Support for newly added claim 15 can be found in the specification at page 4, lines 17-30. Support for newly added claims 16-23 can be found in the original claims 2, 3, 5-7 and 10-12. Support for newly added claim 24 can be found in the original claim 1 and in the specification at page 3, lines 12-21. Support for newly added claim 25 can be found in the specification at page at page 3, lines 12-21. Support for newly added claims 26-30 and 32-33 can be found in the original claims 2, 3, 5-7 and 10-12. Support for newly added claim 31 can be found in the specification at page at page 3, lines 34-35. Support for newly added claims 35-37 can be found in the specification at page 4, lines 5-7.

Claims 1-7 and 10-37 are now in this case. Claims 1, 24 and 24 are the only independent claims. A fee of \$750.00 is authorized to be charged to our Deposit Account No. 03-2775, under Order No. 12810-00265-US from which the undersigned is authorized to draw for the 15 total claims over twenty.

Claims 1-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galley et al. (WO 91/11105) (“Galley”) in view of Guthrie et al. (WO 02/054872)(“Guthrie”). The applicant respectfully traverses this rejection. The applicant points out that both Galley and Guthrie are cited in the applicant’s specification.

Discussion during the interview

An interview was conducted on May 7, 2008. The applicant discussed presenting three independent claims that would distinguish over the polymer of Galley. The first independent claim would require two components a). The second independent claim would require a different component c). The third independent claim would require a different component a). The applicant has amended the claims as discussed in the interview.

The applicant has three independent claims (claims 1, 14 and 24).

Claim 1 requires two comonomers of the units (a).

Galley has only one example of a copolymer (example 21). Example 21 of Galley discloses a non-ionic emulsion (see title) which has a PVP / hexadecane copolymer, i.e. a polymer comprising a C16 unsaturated hydrocarbon. The PVP would correspond to component (a) of claim 1 and hexadecane would correspond to component (c) of claim 1. However, the applicant has amended claim 1 to require at least two different components (a). This is not taught by Galley.

Independent claim 14 requires that unit c) is present and requires up to 75 % by weight of at least one further comonomer that is ethylene, propylene, vinylaromatic monomers, vinylalcohol or its esters, vinylpropionate, esters of acrylic acid, esters of methacrylic acid, alkylene oxide, 1,ω-dialcohol or cyclic ether. Example 21 of Galley discloses PVP / hexadecane copolymer. Galley does not teach the applicant's claimed unit c) of claim 14.

Independent claim 24 requires that at least one unit a) is acrylamide, N-substituted H-acrylamide, nitrogen containing acrylic acid ester, N-vinylamide N-vinyl-N-methylformamide, N-vinylacetamide, N-vinyl-N-methylacetamide, N-vinyl-N-methylpropionamide, N-vinylpropionamide, N-vinylimidazole N-vinylbutylrolactam, N-vinylcaprolactam, N-vinylvalerolactam and N-vinylaurolactam. Galley requires PVP which is not one of the required claimed unit a). This is not taught by Galley.

Claim 31 further limits claim 24 and in addition, requires PVP besides the specific claimed unit a) of claim 24.

Claims 2, 16 and 26 are also patentable because each claim requires at least 20% of the units of component b). This is also not taught by Galley.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A two month extension fee has been paid. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00265-US from which the undersigned is authorized to draw.

Dated: June 11, 2008

Respectfully submitted,

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